

Appendix 3

Additional Material Considerations

Since June 2010

Cairngorms National Park Local Plan (2010)

<http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=265>

Policy 1 – Natura 2000 Sites

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

Policy 2 – National Natural Heritage Designations

Development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that:

- a) the objectives of designation and the overall integrity of the designated area would not be compromised; or
 - b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
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Policy 3 – Other Important Natural and Earth Heritage Sites and Interests

Development that would adversely affect an ancient woodland site, semi-natural ancient woodland site, Geological Conservation Review site, or other nationally, regionally or locally important site recognised by the planning authority will only be permitted where it has been demonstrated that:

- a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or
 - b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost.
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Policy 4 – Protected Species

Development that would have an adverse effect on any European Protected Species will not be permitted unless:

- a) there are public health, public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- b) there is no satisfactory alternative solution; and
- c) the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In addition, development should avoid any adverse impact of proposals on species listed in Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981, as amended, Annexes II and V of the EC Habitats Directive and Annex I of the EC Birds Directive.

Policy 5 – Biodiversity

Development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact will only be permitted where:

- a) the developer can demonstrate to the satisfaction of the planning authority, that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species; and
- b) significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and/or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

Where there is evidence to indicate that a habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a comprehensive survey of the area's natural environment to assess the effect of the development on it.

Policy 6 – Landscape

There will be a presumption against any development that does not complement and enhance the landscape character of the Cairngorms National Park, and in particular, the setting of the proposed development.

Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:

- a) any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and
- b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.

Policy 8 – Archaeology

There will be a presumption in favour of preserving in situ Scheduled Monuments and other identified nationally and regionally important archaeological resources, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances.

All other archaeological resources will be preserved in situ wherever feasible. The planning authority will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.

The developer may be requested to supply a report of an archaeological appraisal prior to determination of the planning application.

Where the case for preservation does not prevail, the developer will be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.

Policy 11 – The Local and Wider Cultural Heritage of the Park

There will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance, or its setting.

Any development that would adversely affect a site, feature, or use of land of local or wider cultural or historic significance or its setting, will take reasonable measures to avoid, minimise and mitigate those effects.

Policy 12 – Water Resources

A Use of Resources

There will be a presumption against development which does not meet all of the following criteria:

- 1) minimises the use of treated and abstracted water;
- 2) does not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status;
- 3) treat surface water and foul water discharge separately and in accordance with SUDS Manual Ciria C697;
- 4) have no significant adverse impact on existing or private water supplies or wastewater treatment services.

B Flooding

There will be a presumption against development which does not meet all of the following criteria relating to flooding:

- 1) be free from significant risk of flooding;
- 2) does not increase the risk of flooding elsewhere;
- 3) does not add to the area of land that requires flood prevention measures;

- 4) does not affect the ability of the functional floodplain to store or move flood waters.

Note: Development in areas susceptible to flooding will require a developer-funded flood risk assessment, carried out by a suitably qualified professional.

C Connection to sewerage

There will be a presumption against development which is not connected to the public sewerage network unless:

- 1) it is in a small settlement (population equivalent less than 2000), where there is no, or a limited, collection system, in which case a private system may be permitted where it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the area; or
- 2) it is in a larger settlement (population equivalent over 2000) where connection is currently constrained but is within the Scottish Water investment programme.

In such cases:

- systems must be designed and built to a standard to allow adoption by Scottish Water;
- systems must be designed so that in the future, they can be easily connected to the public sewer.

Where a private system is acceptable (within small settlements or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Scottish Building Standards Agency Technical Handbooks should be explored prior to considering a discharge to surface water.

Policy 13 – Minerals and Soil/Earth Resources

A Minerals

There will be a presumption against approvals for new mineral extraction or processing and any extension to existing development unless:

- 1) the developer can demonstrate the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits; and
- 2) no suitable and reasonable alternatives to the material are available; or
- 3) the material furthers conservation or restoration of the distinctive landscape character and built environment of the Park as set out in the Cairngorms National Park Plan.

Developers must incorporate measures to minimise potential effects on the environment and communities and ensure appropriate restoration, aftercare, and after use. Bonds will be used where appropriate and secured by a Section 75 Agreement.

Development likely to prevent the future viable extraction of a workable mineral reserve will only be permitted where:

- 1) there is no alternative site for the development; and
- 2) the value of the development to the delivery of the aims of the Park is considered to outweigh the value of the mineral resource; and

- 3) the opportunity has been provided for the extraction of the mineral resource before the development commences.

B Soil and Peat

New areas of commercial peat extraction will not be permitted.

All development must avoid unnecessary disturbance of soils, peat and any associated vegetation. Where disturbance is necessary, best practice must be adopted in their movement, storage, management and reinstatement.

Policy 16 – Design Standards for Development

Design of all development will seek, where appropriate, to:

- a) minimise the effect of the development on climate change;
- b) reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials;
- c) use materials and landscaping that will complement the setting of the development;
- d) demonstrate sustainable use of resources (including the minimisation of energy, waste and water usage) throughout construction, within the future maintenance arrangements, and for any decommissioning which may be necessary;
- e) enable the storage, segregation and collection of recyclable materials and make provision for composting;
- f) reduce the need to travel;
- g) protect the amenity enjoyed by neighbouring properties and all proposals will be designed to help create environments that can be enjoyed by everyone;
- h) be in accord with the design standards and palette of materials as set out in the Sustainable Design Guide and any other Supplementary Planning Guidance produced relating to design for new developments.

All proposals must be accompanied by a design statement which sets out how the requirements of the policy have been met.

Policy 18 – Developer Contributions

Development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements.

Such contributions will be consistent with the scale and nature of the development proposed and may be secured through a Section 75 Agreement or other legal agreement where necessary.

Development which necessitates decommissioning of plant, structures or associated infrastructure will be required to provide an appropriate bond to cover the costs of remedial, restoration or reinstatement works.

Policy 19 – Contributions to Affordable Housing

Developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable housing.

Development solely for affordable housing will be favourably considered.

Where public funding is available to help provide affordable housing, between 25 per cent and 40 per cent of all units will be expected to be affordable. Where less than one third of the total cost of the development is available through public funding, the developer will be required to provide 25 per cent affordable housing on a site.

Proposals for one and two open market dwellings will also be required to make a contribution towards affordable housing. This will be a cash payment towards the meeting of housing need in the local area. Proposals for off site contributions will be considered where community needs assessments, or similar assessments, support this as a better way of meeting the housing needs of the community.

Policy 20 – Housing Development within Settlements

Settlement boundaries have been identified which indicate the extent to which these settlements may expand during the Local Plan period and new housing development should be contained within these boundaries.

Housing proposals within these settlement boundaries will be considered favourably where the development:

- a) occurs within an allocated site identified within the proposals' maps; or
- b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land.

The proposal should reinforce and enhance the character of the settlement, and accommodate within the development site appropriate amenity space, and parking and access arrangements.

Policy 25 – Business Development

Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business, is located within an allocated site identified on the proposals' maps, or where the following criteria are met:

A In identified settlements

- 1) is located within an existing settlement boundary; and
- 2) supports the economic vitality and viability of that centre.

Exceptions to this should demonstrate social or community need for the proposal. The potential cumulative impact of similar proposals will also be taken into account; or

B Outwith settlements

- 1) is in an existing business park or industrial estate; or
- 2) where it can be demonstrated that there are no more sequentially appropriate sites available.

Developments should have no adverse impact on the existing vitality or viability of the settlement, or neighbouring existing business parks or industrial estates; or

C Other business opportunities

- 1) supports the vitality and viability of a farm, croft or other businesses in a rural location; or
- 2) is complementary to that current rural business activity; or
- 3) promotes diversification within that business; or
- 4) creates new small scale development which supports the local economy.

D Loss of business

Development proposals which would result in a loss of business use on the proposal site will be resisted unless it can be demonstrated that the retention of the business on the existing site is not viable.

Policy 26 – Retail Development

Retail development proposals which support the local economy will be favourably considered where the following criteria are met:

A Within identified town/village centres

- 1) the proposal adds to the economic vitality and viability of that town/village centre; and
- 2) has no adverse impact on neighbouring properties.

Proposals should consolidate the traditional high street found within the centre in terms of visual impact and built form and take into account any settlement statement and Supplementary Planning Guidance relating to that settlement.

B Within edge of town centre

- 1) where there are no suitable sites within the town/village centre in line with the sequential approach; and
- 2) where there would be no detrimental impact on the vitality and viability of the town/village centre.

C Out of centre locations

- 1) where there are no suitable sites in town village centres or within edge of town centre locations in line with the sequential approach; and
- 2) where there would be no detrimental impact on the vitality and viability of the town/village centre.

Policy 29 – Integrated Sustainable Transport Network

Development proposals will be favourably considered where the planning authority is

satisfied that adequate consideration has been given to maintaining or improving the sustainable transport network within the Cairngorms National Park through the use of:

- a) methods to reduce car dependency;
- b) promotion of sustainable transport modes;
- c) creation of, or linking to, any existing hierarchy of travel modes, based on walking and cycling, including core paths network, safe routes to schools and workplaces, public transport and then motorised modes; and
- d) mechanisms to reduce the need to travel.

Where the transport impacts of a proposed development are considered to be significant, by virtue of its size, nature or location, developers will be required to submit a transport assessment covering the local transport impacts of the development, including those during the construction phase, and also where appropriate, submit a green transport plan indicating measures to reduce the impact of travel to the development. Such proposals should make a positive contribution towards the sustainable transport network in the Cairngorms National Park.

Policy 34 – Outdoor Access

Development which improves opportunities for responsible outdoor access which adheres to the Cairngorms National Park Outdoor Access Strategy will be encouraged.

Developments will be required to be consistent with the Scottish Outdoor Access Code and the Cairngorms National Park Core Paths Plan.

Development proposals which would result in a reduction of public access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas, or loss of access to inland water) will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

Policy 35 – Sport and Recreation Facilities

1. Developments of formal sport and recreation facilities, diversification of, or extensions to existing sport and recreation-related business activities, or for the enhancement of existing facilities in terms of quality and design will be supported where:

- a) they demonstrate best practice in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas; and
- b) they will meet an identified community or visitor need.

2. Developments which would result in a reduction in current provision of facilities will only be supported where:

- a) the development is ancillary to the principal use of the site as formal sport and recreation facilities; and
- b) the development would not affect the use of the site as a formal sport and recreation facility; and

- c) a compensatory site is created which is convenient to users, or an existing facility is upgraded to maintain and improve the overall capacity in the area.
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Policy 36 – Other Open Space Provision

Developments which improve or add to current levels of public and amenity open space, and include specific details on improving and maintaining current provision to develop open space networks will be supported. The development of all housing/ employment/ community sites identified within the proposals' maps will be required to make a contribution in space or by a commuted sum towards the provision and maintenance of open space within the site or the affected community.

There is a presumption against development that would result in a loss of existing provision, particularly where the affected site has been identified within the Local Plan proposals' maps or Open Space Strategy.

The loss of such open space will only be supported where:

- a) an open space audit demonstrates the development will not result in a deficit of open space provision to serve the affected community, and that no alternative site is available; or
 - b) compensatory provision is made elsewhere within the community area of at least equal size and quality, or
 - c) a commuted sum is made towards future provision of an appropriate alternative.
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Settlement Proposals –

<http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=265>

An Camus Mor is a strategic settlement within the settlement hierarchy.

Paragraph 6.2 states:

“The majority of development and provision of facilities should be provided within strategic settlements. This is supportive of sustainable approaches to site selection and ensures that the key areas of growth are focused in a number of areas where development pressure can be managed appropriately.”

Paragraph 6.7 states:

“The sites identified, form a five year land supply for the Local Plan, with larger sites in the main settlements and An Camas Mòr, providing a basis for the medium and longer term land supply.”

Strategic Settlements –

An Camas Mòr

- i. The Local Plan continues the proposal for a new sustainable community at Cambusmore (now named An Camas Mòr), on the east side of the river Spey opposite Aviemore, that was identified in the Badenoch and Strathspey Local Plan 1997 and in the Highland Structure Plan 2001.
- ii. The Local Plan identifies an indicative settlement boundary for the site, within which it is expected that development of a community of up to 1500 homes could be developed over time. The Cairngorms National Park Authority will continue to work closely with the developers for the site, interested parties and consultees, to ensure realistic and appropriate timescales are set and adhered to, and that through such partnership workings, the effectiveness of the site is realised.
- iii. Development of the site will require a detailed transport assessment and this should examine the various access issues facing the site, including the impact of the development on the trunk road and local road network, the impact on the nearby rail network, and the need for non-motorised access across the river Spey to link the community with Aviemore.
- iv. In addition to housing, the settlement will provide commercial and community uses. The Cairngorms National Park Authority will work with partners to produce a detailed masterplan for the site. Within this, the requirements to create a sustainable community, including economic development opportunities, community facilities and other forms of development, will be detailed within design guidance for all forms of development, which should attain the highest design and sustainable development credentials. The masterplan will also include mitigation measures required as a result of the development.
- v. The development of An Camas Mòr presents an excellent opportunity to provide opportunities for large and small scale developers and builders to work together to bring forward the delivery of the settlement. This will be recognised in the masterplan.
- vi. Development of the An Camas Mòr site has potential to have significant effects on the river Spey SAC. Permission for development will only be permitted if the planning authority is satisfied that proposals have been designed to the highest standards that do not adversely affect the integrity of the river Spey SAC.
- vii. The whole of An Camas Mòr site sits within the Cairngorm Mountains National Scenic Area. As such, development will only be permitted if the planning authority is satisfied that proposals have been designed to the highest standards, that avoid and mitigate any significant adverse effects on the environment and protect the overall integrity of the Cairngorm Mountains National Scenic Area.
- viii. The development of the site must accord with the approved development principles which were approved by the Cairngorms National Park Authority in December 2008. (Appendix 4 p159 of Local Plan) [set out in **Appendix I** of this report]

ix. Mixed uses, which support sustainable developments and communities, will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Please note: An Camas Mòr falls wholly within a National Scenic Area designation.

Cairngorms National Park Supplementary Planning Guidance

- Cairngorms National Park Sustainable Design Guide
- Open space
- Natural Heritage
- Water Resources
- Affordable Housing
- Wildness
- Developer Contributions
- General Development of Carbon Sinks and Stores

All of the Supplementary Planning Guidance documents listed above can be viewed at:
<http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=264>

Cairngorms National Park Partnership Plan (2012 – 2017)

<http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>

Scottish Government

PAN 2/2010 Affordable Housing and Housing Land Audits
<http://www.scotland.gov.uk/Resource/Doc/212607/0103970.pdf>

PAN 3/2010 Community Engagement
<http://www.scotland.gov.uk/Resource/Doc/322754/0103851.pdf>

Creating Places - A policy statement on architecture and place for Scotland
<http://www.scotland.gov.uk/Resource/0042/00425496.pdf>